

REMARKS

At the time of the Second Office Action dated June 21, 2007, claims 1 and 4-12 were pending and rejected in this application. Claim 5 has been cancelled.

**CLAIMS 1, 4-7, AND 9-12 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS
BASED UPON WILSON ET AL., U.S. PATENT NO. 6,714,976 (HEREINAFTER WILSON) IN VIEW OF
BLACK ET AL., U.S. PATENT NO. 7,143,153 (HEREINAFTER BLACK)**

On pages 3-11 of the Second Office Action, the Examiner asserted that one having ordinary skill in the art would have been motivated to modify Wilson in view of Black so as to arrive at the invention corresponding to that claimed. This rejection is respectfully traversed.

Obviousness is a legal conclusion based on underlying facts of four general types, all of which must be considered by the trier of fact: (1) the scope and content of the prior art; (2) the level of ordinary skill in the art; (3) the differences between the claimed invention and the prior art; and (4) any objective indicia of nonobviousness.¹ Applicants, however, respectfully submit that the Examiner has failed to properly characterize the scope and content of the prior art.

Regarding the claimed "displaying the filtered one or more events," the Examiner asserted the following in the paragraph spanning pages 4 and 5 of the Second Office Action:

displaying the filtered one or more events (Fig. 1, EM Console block 42 and Monitoring Station 24; column 4, lines 20-30 and 63-67 that show and disclose monitoring and managing of a distributed application, with an application program running on console 42 that displays event-triggered monitored data at the component and at the enterprise level) (emphasis in original)

¹ See *KSR Int'l v. Teleflex Inc.*, 550 U.S. ____ (2007); *Graham v. John Deere Co.*, 383 U.S. 1, 17-18 (1966); *Continental Can Co., Inc. v. Monsanto Co.*, 948 F.2d 1264, 1270, 20 USPQ2d 1746, 1750-51 (Fed. Cir. 1991); *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561, 1566-68, 1 USPQ2d 1593, 1594 (Fed. Cir. 1987).

Applicants respectfully disagree with the Examiner's conclusion. Absent from the cited teachings of Wilson are a discussion of "displaying the filter one or more events." Wilson describes that the MUM console 42 can store information within a central database 44 for analysis. However, information can be analyzed within being displayed. Moreover, although Wilson describes an application program being able to view collected data, the application program can view the data without having the data be displayed. Finally, Applicants note that Wilson describes that when the application program views the data, it can do so "to show at the component level and at the enterprise level, system performance of any process or component of the enterprise." This passage, however, is silent as to displaying. In addition, this passage is silent as to displaying the filtered one or more events.

Regarding the claimed "the filter is received from, and the one or more filtered events are displayed on, a single display window," the Examiner asserted the following on page 5 of the Second Office Action:

wherein the filter is received from, and the one or more filtered events are displayed on, a single display window (Table in Fig. 11; column 13, lines 49-63 that describe the event-triggered data being collected and displayed as shown on a single display window). (emphasis in original)

Again, Applicants respectfully disagree with the Examiner's conclusion. Column 13, lines 49-63 describes "a table as stored in the data repository 220 and locally on each of the clients and servers." However, absent from this passage is a discussion of displaying anything at all nonetheless a teaching the a filter is received from, and the one or more filter events are displayed on, a single display window, as claimed.

Independent claims 1 and 12 have also been amended to clarify that the filtering of the one or more events uses the filter representing a set of the one or more computer environments. Applicants respectfully submit that the filter identified by the Examiner to teach the claimed filter representing a set of the one or more computer environments is not the same as the filter used during the filter of the one or more events. Thus, Applicants submit that Wilson further fails to teach the limitations for which the Examiner is relying upon Wilson to teach.

Therefore, for the reasons stated above, Applicants respectfully solicit withdrawal of the imposed rejection of claims 1, 4, 6-7, and 9-12 under 35 U.S.C. § 102 for obviousness based upon Wilson in view of Black.

**CLAIM 8 IS REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON WILSON
IN VIEW OF BLACK AND SYLOR ET AL., U.S. PATENT PUBLICATION NO. 2002/0049838
(HEREINAFTER SYLOR)**

On pages 11 and 12 of the Second Office Action, the Examiner concluded that one having ordinary skill in the art would have been motivated to modify Wilson in view of Black and Sylor to arrive at the claimed invention. This rejection is respectfully traversed.

Claim 8 depends from independent claim 1, and Applicants incorporate herein the arguments previously advanced in traversing the imposed rejection of claim 1 under 35 U.S.C. § 103 for obviousness based upon Wilson and Black. The secondary reference to Sylor does not cure the argued deficiencies of the combination of Wilson and Black. Accordingly, even if one having ordinary skill in the art were motivated to modify the combination of Wilson and Black in view of

Sylor, the proposed combination of references would not yield the claimed invention. Applicant, therefore, respectfully submits that the imposed rejection of claim 8 under 35 U.S.C. § 103 for obviousness based upon Wilson in view of Black and Sylor is not viable, and hence, Applicants solicits withdrawal thereof.

Applicants have made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicants hereby respectfully request reconsideration and prompt allowance of the pending claims.

Although Applicants believe that all claims are in condition for allowance, the Examiner is directed to the following statement found in M.P.E.P. § 706(II):

When an application discloses patentable subject matter and it is apparent from the claims and the applicant's arguments that the claims are intended to be directed to such patentable subject matter, but the claims in their present form cannot be allowed because of defects in form or omission of a limitation, the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and when possible should offer a definite suggestion for correction. (emphasis added)

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

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Respectfully submitted,

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